

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA, )  
 Plaintiff, )  
 )  
 v. )  
 )  
 TROY DUANE HERRING, )  
 Defendant. )

Case No. 6:15-cr-00263-AA

ORDER OF DETENTION AFTER  
HEARING (18 USC § 3142(i))

On motion of the Government involving an alleged:  
 risk to the safety of any other person or the community for cases involving crimes described in 18 USC § 3142(f)(1)  
 serious risk defendant will flee;  
 serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate a prospective witness or juror or attempt to do so,  
 Upon consideration by the court *sua sponte* involving a:  
 serious risk defendant will flee;  
 serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate a prospective witness or juror or attempt to do so,

Having considered the nature and circumstances of the offense charged, the weight of evidence against the defendant, the history and characteristics of the defendant, and the nature and seriousness of the danger to any person and to the community that would be posed by the defendant's release, the court finds that:

The offense charged creates a rebuttable presumption in 18 USC § 3142(e) that no combination of conditions will reasonably assure the safety of the community.

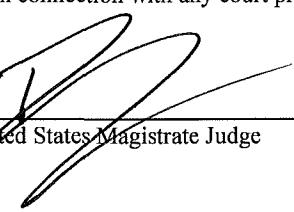
No condition or combination of conditions will reasonably assure the appearance of defendant as required due to:  
 Foreign citizenship and/or illegal alien     In custody/serving sentence     Substance use/abuse  
 ICE Detainer     Outstanding warrant(s)     Unknown family/employment/community ties  
 Deportation(s)     Prior failure(s) to appear     Unstable/ no residence available  
 Multiple or false identifiers     Prior supervision failure(s)     Information unverified/unverifiable  
 Aliases     Mental health issues  
 Prior criminal history     including drug/drug related offense     including alcohol/alcohol related offense  
 Prior probation/parole violation(s)     including illicit drug use     including alcohol abuse  
 Other: \_\_\_\_\_

No condition or combination of conditions will reasonably assure the safety of other persons and the community due to:  
 Nature of offense     Prior supervision failures  
 Arrest behavior     Substance use/abuse  
 Possession of weapon(s)     Mental health issues  
 Violent behavior     Alleged offense involves child pornography on the internet  
 Prior criminal history     including drug/drug related offense     including alcohol/alcohol related offense  
 Prior probation/parole violation(s)     including illicit drug use     including alcohol abuse  
 Other: \_\_\_\_\_

Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 USC § 3142(e).

## THEREFORE, IT IS ORDERED that:

1. Defendant is detained prior to trial;
2. Defendant is committed to the custody of the Attorney General for confinement in a corrections facility separated, as far as practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. Defendant shall be afforded a reasonable opportunity for private consultation with his counsel;
4. The superintendent of the corrections facility in which defendant is confined shall make the defendant available to the United States Marshal for the purpose of appearance in connection with any court proceeding.

DATED: 7/20/15  
United States Magistrate Judge